

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

TYEESHA LASHAYE MARTIN,

Plaintiff,

v.

CASE NO. 2:06-CV-1031-WKW

NAPHCARE, INC.; MARC Q. SONNIER;

JAMES DELONG; BARBARA GAIL

WALTERS, EDDIE NAGLE;

C.I. HADLEY; DONAL CAMPBELL;

et al.,

Defendants.

**AMENDED ANSWER OF DEFENDANTS EDDIE NAGLE,  
C.I. HADLEY AND DONAL CAMPBELL**

Come now Defendants Eddie Nagle, C I. Hadley, and Donal Campbell, and amend their previously filed Answer in the above styled case.

Defendants reassert and reaffirm their previously filed Answer and incorporate the same herein by reference, as if fully restated herein, as to each averment in Plaintiff's Complaint.

Defendants respond as follows:

**PARTIES**

1. Defendants are without sufficient knowledge to respond to the relationships of the Plaintiff and the deceased Mr. Garlington and her status as the personal representative.

Defendants do acknowledge, though, that, regrettably, Mr. Garlington passed from this earth.

2. The deceased was, at certain times, an inmate at Elmore Correctional Facility.

Defendants are uncertain as to Mr. Garlington's age at the times in question, but denies that at times relevant to this lawsuit that he was in good health.

3. Admitted.

4. Admitted.

5. Plaintiff's Paragraph 5 is not directed to these Defendants.

6. Plaintiff's Paragraph 6 is not directed to these Defendants.

7. Plaintiff's Paragraph 7 is not directed to these Defendants.

8. Admitted.

9. Defendant Donal Campbell is no longer a resident of the State of Alabama, but was the Commissioner of the Alabama Department of Corrections.

10. Defendants Eddie Nagle, C.I. Hadley, and Donal Campbell were employed as either commissioner or as wardens with the Alabama Department of Corrections, but to the extent Plaintiff's Paragraph 10 attempts to characterize a legal relationship, or to assign any type of duty to the deceased or Plaintiff as a result of such employment, are hereby denied.

11. A. through S. This Paragraph sets out "fictitious parties" descriptions and do not call for an Answer from these Defendants.

#### **FACTUAL BACKGROUND**

12. These Defendants are correctional officers and not medical professionals and they are without sufficient knowledge to admit or deny Plaintiff's Paragraph 12.

13. These Defendants are correctional officers and not medical professionals and they are without sufficient knowledge to admit or deny Paragraph 13.

14. These Defendants admit that Mr. Garlington passed away on or about December 28, 2004, but are without sufficient knowledge to admit or deny the cause of death.

15. Denied.

**COUNT ONE**

16. Does not require an answer.

17. These Defendants admit that Mr. Garlington became ill at some time, but are without sufficient knowledge to admit or deny either the cause or the degree of seriousness.

18. Does not require an answer from these Defendants.

19. Does not require an answer from these Defendants.

**COUNT TWO**

20 through 24. P's Count Two, Paragraphs 20 through 24, are not directed to these Defendants, and thus do not require an answer.

**COUNT THREE**

25. Does not require an answer.

26. These Defendants are not medical professionals and have no duty or obligation to render or give medical services. At the time in question, all medical services were provided by Defendant Naphcare, Inc. a medical services provider.

27. Denied.

28. Denied.

29. Denied.

**COUNT FOUR**

Plaintiff's Count Four, Paragraphs 30 through 36, is not directed to these Defendants and thus requires no answer of these Defendants.

These Defendants plead that punitive damages are not recoverable against these Defendants.

Any claim or allegation by Plaintiff as to these Defendants, which is not specifically admitted, either in Defendants' original Answer or this Amended Answer, is specifically denied.

Respectfully submitted,

KIM T. THOMAS (THO115)  
GENERAL COUNSEL



NEAL P. CONNER (CONN2024)  
ASSISTANT GENERAL COUNSEL  
ASSISTANT ATTORNEY GENERAL

**ADDRESS OF COUNSEL:**


Alabama Department of Corrections  
Legal Division  
301 South Ripley Street  
P.O. Box 301501  
Montgomery, AL 36130  
(334) 353-3889

**CERTIFICATE OF SERVICE**

I hereby certify that on the 30<sup>th</sup> day of November, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following (or by U.S. Mail to the non-CM-ECF participants):

Celeste P. Holpp, Esq.  
Norman, Wood, Kendrick & Turner  
800 Financial Center, Suite 1600  
505 Twentieth Street, North  
Birmingham, AL 35203

Julian P. Hardy, Esq.  
Madison W. O'Kelley, Jr., Esq.  
Pritchard McCall & Jones  
505 North 20<sup>th</sup> Street  
800 Financial Center  
Birmingham, AL 35203

  
NEAL P. CONNER (CONN2024)  
ASSISTANT GENERAL COUNSEL  
ASSISTANT ATTORNEY GENERAL